



October 2, 2000

Mr. Robert Russo
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OR2000-3781

Dear Mr. Russo:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 139785.

The Uvalde Consolidated Independent School District (the "district"), which you represent, received a written request for "the total cost and a breakdown of legal expenses incurred [sic] on behalf of Uvalde CISD associated with the federal lawsuits filed by" two former district employees. You state that the district has released to the requestor the attorney billing statements responsive to the request, with certain redactions. You contend that the redacted information is excepted from public disclosure under sections 552.107 and 552.111 of the Government Code.

We note at the outset that section 552.022(a) of the Government Code provides in pertinent part:

Without limiting the amount or kind of information that is public information under this chapter, *the following categories of information are public information and not excepted from required disclosure under this chapter unless they are expressly confidential under other law:*

....

(3) information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body.

(16) information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege.

Gov't Code § 552.022(a)(3), (16) (emphasis added). Section 552.111 is not "other law" that makes information confidential for purposes of section 552.022. *See* Open Records Decision No. 575 at 2 (1990). Consequently, the district may not withhold any of the information at issue pursuant to section 552.111. Because section 552.022(a)(16) specifically makes attorney billing statements public, except for information coming within the attorney-client privilege, we must address the extent to which those billing statements are protected by the attorney-client privilege.

Section 552.107(1) of the Government Code protects information coming within the attorney-client privilege. *See* Open Records Decision No. 574 (1990). In instances where an attorney represents a governmental entity, section 552.107(1) protects only an attorney's legal advice and client confidences. *Id.* In Open Records Decision No. 574, this office concluded that

[i]n general, the attorney's mere documentation of calls made, meetings attended, or memos sent is not protected under [the statutory predecessor to section 552.107(1)], if no notes revealing the attorney's legal advice or the client's confidences are included. Such documentation simply does not embody attorney-client communication.

ORD No. 574 at 7. *See also* Open Records Decision No. 589 (1991). After reviewing your arguments and the attorney billing statements submitted to this office, we believe that you have demonstrated that only a few of the entries contained therein constitute either a client confidence or an attorney's legal advice or opinion. We have marked the portions of the billing statements that the district may withhold pursuant to section 552.107(1) of the Government Code. Because you have not demonstrated the applicability of the attorney-client privilege to the other information you have redacted, we conclude that the remaining information you have redacted must be released to the requestor.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.*

§ 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

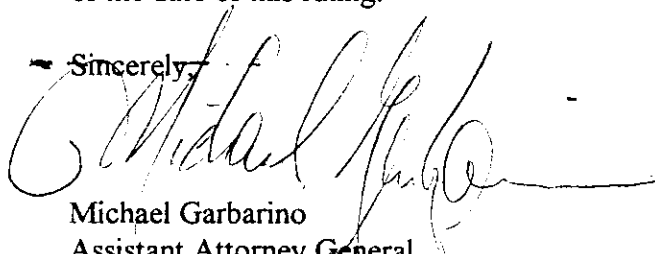
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to the General Services Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Michael Garbarino
Assistant Attorney General
Open Records Division

MG/RWP/ljp

Ref: ID# 139785

Encl. Submitted documents

cc: Mr. Bill Cockerill
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